

EXHIBIT Y

Scott A. Guelcher, Ph.D.

1 FOR THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
3 CHARLESTON DIVISION

4 IN RE: ETHICON, INC.,
5 PELVIC REPAIR SYSTEMS
6 PRODUCTS LIABILITY LITIGATION
7 Master File No. 2:12-MD-02327
8 MDL NO. 2327

9 THIS DOCUMENT RELATES TO:
10 TONYA AND GARY EDWARDS
11 vs.

12 ETHICON, INC., ET AL., JOSEPH R. GOODWIN
13 (Case No. 2:12-cv-09972) U.S. DISTRICT
14 JUDGE

15 and
16 JO HUSKEY AND ALLEN HUSKEY
17 vs.

18 ETHICON, INC., ET AL.,
19 (Case No. 2:12-cv-05201)

20
21 DEPOSITION OF SCOTT A. GUELCHER, PH.D.
22 Nashville, Tennessee
23 March 25, 2014

24 Reported by Marilyn Morgan, LCR #235, CCR #0174

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Scott A. Guelcher, Ph.D.

1 added to polypropylene deplete over time and
2 create a risk of degradation?

3 A. As I said before, the only study that
4 looked at specific questions of antioxidant
5 loss would be the human explants from 1987.

6 Q. That's Tab 18 in Exhibit No. 3?

7 A. Yes.

8 (Exhibit 7 was marked.)

9 Q. (By Mr. Thomas) Let me show you
10 what's been marked as deposition Exhibit No. 7.
11 Deposition Exhibit No. 7 is a study, 1976,
12 titled Subcutaneous Implants of Polypropylene
13 Filaments, lead author Liebert. You cite this
14 in your paper, don't you?

15 A. Yes.

16 Q. This is a 1976 study that compares
17 polypropylene implanted in animals with
18 antioxidants and without antioxidants; correct?

19 A. Yes.

20 Q. The Liebert study finds that the
21 polypropylene treated with antioxidants does
22 not degrade?

23 A. In this particular study in this
24 implantation site for this period of time, they

Scott A. Guelcher, Ph.D.

1 were able to protect it from degradation. Let
2 me look -- I need to look at this for a minute.

3 So they went out to an implantation
4 time of 160 days. I think that's five or six
5 months.

6 So I'm not saying that you can't
7 protect it for a period of time. I mean, even
8 the human explants showed some antioxidant
9 after eight years. I'm saying it's reduced.
10 So this is five months. But if you go out
11 years, these devices are made to be implanted
12 in humans for their lifetime.

13 If you go out for very long periods
14 of time, I don't think you can guarantee that
15 these antioxidants -- they didn't even measure
16 the anti -- I don't think they did. I would
17 have to look at it again.

18 So I'm not saying that you can't
19 protect it for some period of time. I'm just
20 saying that I doubt whether you can protect it
21 over the lifetime of the device on every
22 patient, that you can protect it from
23 oxidation. This is only five months.

24 At eight years in these sutures

Scott A. Guelcher, Ph.D.

1 Liebert, where you say that the embrittlement
2 will occur at about 90 days, is based upon
3 Liebert's study of polypropylene without
4 antioxidants?

5 A. Right.

6 Q. And the Fayolle study is based upon
7 testing of polypropylene with the antioxidants
8 removed; correct?

9 A. Let me look at the Fayolle study
10 again to make sure.

11 Q. Do you recall that without looking?

12 A. Let me look at it for a minute.

13 Q. I have it for you here if that's
14 easier.

15 A. I've got it.

16 MR. THOMAS: Let me mark it anyway as
17 a deposition exhibit. It's deposition
18 Exhibit 8, a copy of the Fayolle study.

19 (Exhibit 8 was marked.)

20 Q. (By Mr. Thomas) Exhibit 8 is a study
21 titled Oxidation Induced Embrittlement in
22 Polypropylene, a tensile testing study June
23 2000 by B. Fayolle, F-a-y-o-l-l-e.

24 A. So he says in the experimental

Scott A. Guelcher, Ph.D.

1 section, The additives, I'm presuming the
2 stabilizers, antioxidants were extracted in a
3 soxhlet extractor in chloroform hexane ethanol.
4 I would interpret that statement as saying
5 that there was also unstabilized polypropylene.

6 Q. Have you seen any testing of
7 stabilized polypropylene to support the
8 positions that you take on page 5 of Exhibit
9 No. 1?

10 A. No. These data were the data that I
11 had for unstabilized polypropylene.

12 Q. Let's take a quick break please.

13 (A break was taken from 11:31 a.m. to
14 11:41 a.m.)

15 Q. (By Mr. Thomas) Let's go back to
16 page 5 of Exhibit No. 1. Is it fair to
17 understand, based upon your analysis of Liebert
18 and Fayolle as depicted in these two graphs on
19 page 5, that there is no embrittlement without
20 a loss of molecular weight?

21 A. I don't know that I would say it that
22 way. I would say that loss in molecular weight
23 leads to embrittlement.

24 Q. Okay. The tests that we've just

Scott A. Guelcher, Ph.D.

1 CERTIFICATE OF COURT REPORTER

2 I, Marilyn Morgan, Licensed Court
3 Reporter and Notary Public for the State of
4 Tennessee, do certify that the above deposition
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6 transcript is a true and accurate record to the
7 best of my knowledge, skills, and ability.

8 I further certify that I am not an
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10 a relative or employee of any attorney or
11 counsel connected with the action, nor
12 financially interested in the action.

13 I further certify that I am duly
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18 Subscribed and sworn to before me when
19 taken, this 25th day of March, 2014.

20

21

MARILYN MORGAN, LCR #235

22

Expiration Date: 6/30/14

Notary Public, State of Tennessee

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Commission expires: 6/18/17

24